

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
BENJAMIN F. J. NEMEC
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
6 Ben_Nemec@fd.org

7 Attorney for David Lee Kagel

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 DAVID LEE KAGEL,
15

Defendant.

Case No. 2:24-cr-00024-GMN-DJA-1

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Theodore M. Kneller, Trial Attorney, U.S. Department of Justice,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for David Lee Kagel,
21 that the sentencing hearing currently scheduled on September 10, 2024, be vacated and
22 continued to the week of October 7, 2024.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Kagel has hired experts for mitigation. The experts need additional time to
25 complete their reports.
26

1 2. Mr. Kagel is out of custody and does not object to the continuance. His daughter,
2 who holds power of attorney and helps manage his medical care, does not object to the
3 continuance.

4 3. The parties agree to the continuance.

5 4. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice. The additional time requested by this Stipulation is excludable in computing the time
7 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
8 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
9 Section 3161(h)(7)(B)(i), (iv).

10 This is the first request for a continuance of the sentencing hearing.

11 DATED this 3rd day of September, 2024.

12
13 RENE L. VALLADARES
14 Federal Public Defender

 JASON M. FRIERSON
 United States Attorney

15 By /s/ Benjamin F. J. Nemec

 By /s/ Theodore M. Kneller

16 BENJAMIN F. J. NEMEC
17 Assistant Federal Public Defender

 THEODORE M. KNELLER
 Trial Attorney, U.S. Department of Justice

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DAVID LEE KAGEL,

7 Defendant.
8

Case No. 2:24-cr-00024-GMN-DJA-1

ORDER

9
10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
11 Tuesday, September 10, 2024 at 10:00 a.m., be vacated and continued to October 7, 2024
12 at the hour of 9:00 a.m.

13 DATED this 3 day of September, 2024.

14
15 
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26